

REMARKS**CLAIM OBJECTIONS**

Applicant could not identify extra period in claim 1 and claim 3.

102 REJECTIONS

Examiner rejected claims 1 10, 12-17 under 102 in view of Sevier. The reference must describe every detail of the claimed invention. (See **Kalman v. Kimberly-Clark Corp.**, 713 F.2d 760, 772, 218 USPQ 781, 789 (Fed Cir. 1983)). Additionally, the reference must adequately describe the claimed invention to put it in the public domain (See **In re Zenitz**, 333 F.2d 924, 142 USPQ 158, 160 (C.C.P.A. 1964)). The description must enable a person with ordinary skill in the art not only to comprehend the invention but also make it. (See **Paperless Accounting, Inc v. Bay Area Rapid Transit Sys.**, 804 F.2d at 665, 231 USPQ at 653) The reference must teach the claimed invention. (See **Ex parte Fujishiro**, 199 USPQ 36 (Pat. Off Bd. App. 1977)).

Here, as shown in FIGURE 1 of the application thumb member 125 has a different orientation and structure than the lower massaging portion 48 of Sevier. Thumb member 125 is arranged transversely across the lower the lower edge of handle 120. As shown thumb member 125 is substantially aligned perpendicular to the longitudinal axis of handle 120. Depression 170 is aligned within the same common plane as side view of handle 120. Claim 1 was amended to further clarify the structure of thumb member's 125 attachment to handle 120. Since Figure 1 is considered part of the original disclosure, the claims can be amended to be consistent with the drawings without adding new matter.

However, in Sevier, lower massaging portion 48 extends downwardly and outwardly as shown in Figure 12 and 13. Flared portion 60 has a generally downwardly facing surface 62. Peripheral edge 64 and downwardly facing surface 62 are disposed in a common plane at an acute included angle. Depression 66 lies underneath handle 42.

Here thumb member 125 is adapted with blunt end 135 protruding outwardly and having the proprioceptive sensitivity. Sevier does not disclose this structure on surface 62. Thus, the structure of Siever is significantly different than the present invention and does not anticipate the disclosed invention. Siever does not describe in

detail the disclosed present invention.

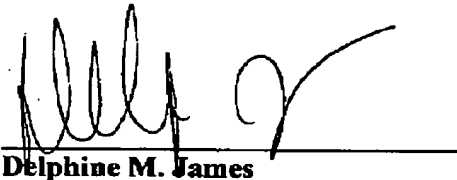
103 REJECTIONS

Examiner rejected claims 7, 11 and 18-21 under 103 as being obvious over Sevier in view of Beaty.

Here, as stated above Siever is structured significantly different than the present invention. Seiver does not teach or suggest the structure of the disclosed invention. The perpendicular relationship of the thumb member 125 to the handle 120 does not teach or suggest this disclosed structure. Additionally, 18-21 was amended to show the perpendicular alignment of handle 120 to thumb member 125. Thus, the present invention is not obvious over Sevier in view of Beaty.

Applicant respectfully requests that the rejections be withdrawn and the application be allowed. Alternately should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he/she is invited to telephone the undersigned.

Respectfully submitted:



Delphine M. James

Registration No. 45,960
Delphine M. James, Attorney At Law
2656 South Loop West Suite 170
Houston, TX 77054
(713)-661-4144
(Fax) 713-661-4145